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82-169-Z

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January 20, 1983

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Mr. Dennis F. Rafferty, Jr., Secretary, Land Surveyors
Mr. Andrew C. Isaak, Secretary, Architects
Mr. Stanley P. Sawyer, P.E., Secretary, Engineers
Joint Board of Engineers, Architects and Land Surveyors
77 North Main Street, Room 214
Concord, New Hampshire 03301

Gentlemen:

You have asked for our opinion concerning the effect of Laws 1981, c.485 on the operation of the Joint Board of Engineers, Architects and Land Surveyors, created by that enactment. Specifically, you have asked whether Chapter 485 requires a single PAU for purposes of an appropriation for the joint board, and whether funds held by the individual boards are required to be transferred to the joint board. The answer to both questions is in the affirmative.

The intent of Laws 1981 c.485, was to repeal the statutes creating the three individual boards of architects, engineers and land surveyors. Laws 1981, 485:10, specifically provided for the repeal of the pre-existing statutes authorizing the individual boards. The newly constituted joint board, combining the three prior boards, was made effective July 1, 1981 in Chapter 485:1, with the addition of a new chapter, RSA 310-A. Each board does, however, continue to maintain its separate identity as part of the joint board. See RSA 310-A:3,29,55.

Your first inquiry is whether the joint board should submit its budget request in a single PAU. You have indicated



that each board has prepared a separate budget under the direction of the chairman of the joint board. Laws 1981, 485:9, created a single PAU for the joint board. Therefore, whatever appropriation is made for the joint board, that appropriation must be as a single PAU representing the joint board. That is not to say, however, that in compiling its appropriation requests, the joint board may not separately determine in individual budgets or otherwise, the needs of the three individual boards. Apparently, that has been done by each board for its present budget request. What is required by Laws 1981, 485:9, is that the fiscal needs of the three boards be finally consolidated in a single PAU for appropriation purposes. Such a request should follow the requirements of RSA 9:8-a.

You have also indicated that funds of the individual boards were never transferred to the joint board in accordance with Laws 1981, 485:6. As stated above, effective July 1, 1981, the three boards were consolidated as a single PAU. Funds held by each board were to be transferred to the joint board. Laws 1981, 485:6. Under the 1981 amendment, however, the funds attributable to each board may be separately tracked within the single PAU. Under newly enacted RSA 310-A:8, the Secretary of the Board of Engineers receives and accounts for all funds of that Board, and pays such monies to the State Treasurer. Such funds are maintained "in a separate fund to be known as the 'Engineers Funds'", and "shall be kept separate and apart from all other monies in the treasury." An almost identical provision is made for the Board of Architects. RSA 310-A:34.

The section of the revised statute governing the Land Surveyors is slightly different, and with respect to funds of that board, the Treasurer is not required to maintain a separately identifiable fund. RSA 310-A:61. All monies received by the Board of Land Surveyors under Chapter 310-A must similarly be transferred to the Treasurer. Thus, although the funds of each of the boards are required to be transferred to the joint board, separate identity of those funds is maintained, and at least in the case of the Boards of Engineers and Architects, that identity must be maintained by the Treasurer as well.

In conclusion, while the amendments in Laws, 1981, c.485 consolidate the finances of the joint boards in a single PAU,

the statute does not prohibit, and indeed it requires, maintaining separate accounting procedures for each of the boards. For purposes of the budget submission for the upcoming biennium, the joint board must submit a single budget request constituting the PAU for joint board in accordance with RSA 9:8-a. The manner in which the joint budget request is initially assembled and the amounts to be requested for each board, however, are for the joint board to decide.

Very truly yours,



Bruce E. Mohl
Assistant Attorney General
Division of Legal Counsel

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